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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,331	02/27/2004	Brian Levine	LOT920040014US1 (045)	9399
46321 7590 08/05/2009 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER				
DICKERSON, TIFFANY B				
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3623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,331

Applicant(s)

LEVINE, BRIAN

Examiner

TIPHANY B. DICKERSON

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a Final Action in response to the correspondence filed on June 1, 2009. Claims 1-13 are pending.

Response to Amendment

2. Applicant's amendments of claims 6-8 with regards to the rejections under § 112 have been fully considered and are persuasive. Examiner finds the addition of the structural elements in the claims sufficient to render the claim definite. Therefore, the § 112 rejections of claims 6-8 are withdrawn.
3. Applicant's amendments with regards to the § 101 rejection of claims 1-5 and 6-8 have been fully considered and are persuasive to overcome the rejection. Therefore, the § 101 rejections are withdrawn.

Response to Arguments

4. Applicant traversed the § 102(e) rejection of claims 1, 6, and 9 on grounds of newly added subject matter by amendment. Particularly, claim 1 was amended to clarify that the event exception identified corresponds to a separately defined and *separately stored* recurring event instance in the calendaring system. (Amended Claim 1) Applicant further noted that the separate storage of the event exceptions from the corresponding event instance modified by the event exception was integral to amended claim 1. (Remarks, p. 11). Applicant asserts that Hall does not teach or suggest these features. Examiner respectfully disagrees.
5. First, Examiner finds no support for the amended claim element, "separately stored recurring event instances," in Applicant's specification. Instead, Applicant's specification

teaches identifying an event exception which corresponds to a separately defined recurring event instance:

A method for applying ordered modifications to recurring event instances, can include identifying an event exception which corresponds to a *separately defined recurring event instance*. (Specification [0009]).

6. Second, Hall [4] teaches that the general rule/event data and exceptions are separately defined by stating that “[a] complex record contains a general rule and one or more exceptions.”

7. Finally, Hall further teaches that the event exception may be separately stored from corresponding event instances. Hall teaches that the record merely holds the general rule for the data and the event exceptions as evidenced in Hall Fig. 5. However, tags and a synch engine are used to expand the rules and exceptions into event instances which are synchronized across the shared data environment (Hall [37]).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As pointed out in the Response to Arguments Section above, First, Examiner finds no support for the amended claim element, “separately stored recurring event instances,” in

Applicant's specification. Examiner suggests that all references to the unsupported matter be deleted or that specific evidence of support be provided.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person *shall* be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) *shall* have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by *Hall* et al., U.S. Patent Application 2003/00614333.

Concerning claims 1 and 9, *Hall* discloses a method for applying ordered modifications to recurring event instances, the method comprising the steps of:

identifying an event exception in a calendaring system executing in memory by a processor of a computer, the event exception corresponding to a separately defined and **separately stored** recurring event instance in the calendaring system (Hall [4] and [37] as explained in the Response to Arguments Section; also, [36], wherein record tags are used to identify event exceptions); and,

modifying within the calendaring system at least one property of said recurring event instance based upon said separately stored event exception (*Hall*, [37], wherein the expander is used to modify records).

Concerning claims 2 and 10, *Hall* discloses the method of claim 1, further comprising the steps of:

further identifying additional event exceptions corresponding to said recurring event instance (*Hall*, [38], wherein the retractor identifies exceptions in discrete records to create a general exception) and,

for each one of said further identified additional event exceptions, further modifying at least one property of said recurring event instance based upon said one of said further identified additional event exceptions (*Hall*, [38], wherein the identified exception adhere to prescribed modifications, e.g., retractor generates exceptions revealing the modification in time on the first Monday).

Concerning claims 3 and 11, *Hall* discloses the method of claim 1, further comprising the step of repeating said identifying and modifying steps for additional ones of the recurring event instances (*Hall*, ¶ 0037, via expander and synch engine).

Concerning claims 4 and 12, *Hall* discloses the method of claim 1, further comprising the steps of: further identifying event exceptions relating to said recurring event instance which have become stale (*Hall*, ¶ 0052, i.e., deleting records if the status is new or unchanged, and the later record has been changed by an exception).

Concerning claims 5 and 13, *Hall* discloses the method of claim 4, wherein said further identifying step comprises the step of further identifying event exceptions whose specified modifications to event properties in said recurring event instance have been obviated by modifications specified in subsequently defined event exceptions (*Hall*, ¶¶ 0038 and 0052).

Concerning claim 6 and 7, *Hall* discloses a calendaring system comprising:

a computer with processor and memory (*Hall*, [29]);

a recurrence event expander disposed within a calendaring system executing in the memory by the processor of the computer, the expander being programmed to expand recurrence events into event instances based upon the properties specified within the recurrence events; and, (*Hall*, Fig. 8, Ele. 70); and,

a recurrence event modifier also disposed within the calendaring system and coupled to said recurrence event expander, the modifier modifying properties within the event instances based upon event exceptions defined for respective ones of the event instances and separately stored from the event instances. (*Hall*, Fig. 2, Ele. 24 connected to Ele. 20).

Concerning claim 7, *Hall* discloses the system of claim 6, further comprising a modification rule reducer coupled to the recurrence event modifier, the modification rule reducer inspecting older ones of the event exceptions to detect stale event exceptions (*Hall*, [52], describing deleting old records).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability *shall* not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Hall* in view of Official Notice.

The Examiner takes official notice that at the time of the invention, iCalendar was a standard file format for calendar data exchange, as evidenced by its documentation on Wikipedia, a public internet based encyclopedia, on February 23, 2004 (<http://web.archive.org/web/20040223235035/http://en.wikipedia.org/wiki/ICalendar>).

One of ordinary skill in the art at would have found it obvious to update *Hall* using by iCalendar file formats in order to gain the commonly understood benefits of using widely compatible file types. This would be accomplished with no unpredictable results.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIPHANY B. DICKERSON whose telephone number is (571)270-7048. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TIPHANY B. DICKERSON
Examiner
Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623